UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,683	10/26/2001	Ivan Saltz	29890.010000	2416

7590   02/05/2004

GREENBERG TRAURIG, P.A.
1221 BRICKELL AVENUE
MIAMI, FL 33131

EXAMINER
ALI, MOHAMMAD

ART UNIT	PAPER NUMBER
2177	7

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 October 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1. The application has been examined. Claims 1-8 are in this Office Action.

Priority

2. Receipt is acknowledged of papers submitted under 35 USC 119(a)-(d) or (e) for

a provisional application.

Specification

3. The abstract of the disclosure is objected to because the word "**comprises a**

method" should not be in the **Abstract**.

Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

(f)   Brief Summary of the Invention: See MPEP § 608.01(d).
        A brief summary or general statement of the invention
        as set forth in 37 CFR 1.73. The summary is separate
        and distinct from the abstract and is directed toward
        the invention rather than the disclosure as a whole.
        The summary may point out the advantages of the
        invention or how it solves problems previously
        existent in the prior art (and preferably indicated in

the Background of the Invention). In chemical cases
it should point out in general terms the utility of
the invention. If possible, the nature and gist of
the invention or the inventive concept should be set
forth. Objects of the invention should be treated
briefly and only to the extent that they contribute to
an understanding of the invention.

(g) Brief Description of the Several Views of the
Drawing(s): See MPEP § 608.01(f). A reference to and
brief description of the drawing(s) as set forth in 37
CFR 1.74.

Summary of the Invention should be written before the Brief Description of the

Drawings.

Appropriate correction is required.

Information Disclosure Statement

4. Examiner noted that in page 3, lines 8-9 certain patents number is listed. In order

to consider these patents it should be in the Form PTO-1449.

The listing of references in the specification is not a proper information disclosure

statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other

information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the

list may not be incorporated into the specification but must be submitted in a separate

paper." Therefore, unless the references have been cited by the examiner on form

PTO-892, they have not been considered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weitzman et al. ('Weitzman' hereinafter), US PG Pub 2002/0099605 A1 in view of Fox et al. ('Fox' hereinafter), US Patent 6, 574,632 B2.

With respect to claim 1,

Weitzman discloses a database management system for use with a searchable computerized database (see paragraph 0015), comprising:

a database containing data items (the search includes databases which are accumulated and indexed by various other search engines or computers on the network. The search may be limited to the particular database located on the computer providing the search engine interface, see paragraph 0037, Weitzman);

a user input interface for receiving database queries for specific data from users of said database (the search may be limited to the particular databaselocated on the computer providing the search engine interface. The search term or query entered by the user is used to search a database stored on storage device in addition to one or more search engine available on the Internet, see paragraph 0037, Weitzman);

a limit engine module interfacing with said database responsive to said user input interface for expanding a database user's query for specific data to include data within a programmable from said database user query (member module 24 is primarily directed to obtaining and servicing registered visitors or members of the search engine any user may use the search engine to identify resources of particular interest on the computer network. Where the computer network includes the Internet, the search engine preferably provides links to various websites on the Internet in response to the user entering a search query. Unregistered visitors or users may use the search engine as represented by block 76. Upon entering the search term or query, a corresponding search of one or more databases such as those stored in storage device 22 is completed. The search includes databases which are accumulated and indexed by various other search engines or computers on the network. The search may be limited to the particular database located on the computer providing the search engine interface, see paragraph 0037, Weitzman);

a query builder module responsive to said limit engine module for formulating a database search query for database data within said supplied by said limit engine module (see paragraph 0037, Weitzman);

a query processor module responsive to said query builder module for processing said database search query formulated by said search query builder module (see paragraph 0037, Weitzman); and

a user display interface for displaying the results of said database search query

processed by said query processor module to the database user (see paragraph 0037,

Weitzman).

Weitzman does not explicitly indicate the claimed "range of deviation".

Fox discloses the claimed range of deviation (standar deviation are calculated

without the largest n-gram frequency value. If the largest value fits within three standar

deviation of the mean, then the number is used as the scaling factor, see col. 13, lines

32-35 et seq).

It would have been obvious to one ordinary skill in the data processing art, at the

time of the present invention to combine the teachings of the cited references, because

the range of deviation of Fox's teachings would have allowed Weitzman's system to

retrieve a documents from a document database by providing users with multiple input

interaction mode, in the search engine to limit the information, as suggested by Fox, at

col. 3, lines 36-42 et seq.

As to claim 2,

Weitzman teaches wherein said limit engine is programmed to expand a database

user's query for specific data to include data within a fixed percentage from the

database user's query (see paragraph 0037 and 0038, Weitzman).

As to claim 3,

Weitzman teaches wherein said limit engine is programmed to expand a

database user's query for specific data to include data within a fixed statistical standard

of data within said database from the database user's query (see paragraph 0051 et

seq, Weitzman).

As to claim 4,

Weitzman teaches further comprising a module responsive to said query

processor module for database data according to how closely said data matches the

database user's query for specific data (see paragraph 0051, Weitzman).

Weitzman does not explicitly indicate the claimed "ranking".

Fox discloses the ranking (a neural network training portion to query a document

corpus to retrieve relevant documents. Results of the retrieval engines are fused

together and ranked, see col. 6, lines 5-7 et seq).

It would have been obvious to one ordinary skill in the data processing art, at the

time of the present invention to combine the teachings of the cited references, because

the ranking of Fox's teachings would have allowed Weitzman's system to selectively

retrieve a documents from a document database to define a dictionary, as suggested by

Fox, at col. 4, lines 1-0 et seq.

As to claim 5,

Weitzman teaches further comprising a sort module responsive to said ranking

module for sorting said database data into descending order based on the assigned to

each item within data by said module (see paragraph 0038, Weitzman).

With respect to claim 6,

Weitzman discloses a method for providing database search query results

according to similarity of database objects to search query criteria within a

programmable (see paragraph 0015), comprising the following steps:

receiving a database user query input for specific data (the search includes

databases which are accumulated and indexed by various other search engines or

computers on the network. The search may be limited to the particular database located

on the computer providing the search engine interface, see paragraph 0037 and 0046

Weitzman);

expanding said query input to include data within said programmed from said

query (the search may be limited to the particular databaselocated on the computer

providing the search engine interface. The search term or query entered by the user is

used to search a database stored on storage device in addition to one or more search

engine available on the Internet, see paragraph 0037, Weitzman);

formulating a database search query for database data within said programmed

(member module 24 is primarily directed to obtaining and servicing registered visitors or

members of the search engine any user may use the search engine to identify

resources of particular interest on the computer network. Where the computer network

includes the Internet, the search engine preferably provides links to various websites on

the Internet in response to the user entering a search query. Unregistered visitors or

users may use the search engine as represented by block 76. Upon entering the

search term or query, a corresponding search of one or more databases such as those

stored in storage device 22 is completed. The search includes databases which are

accumulated and indexed by various other search engines or computers on the

network. The search may be limited to the particular database located on the computer

providing the search engine interface, see paragraph 0037, Weitzman);

processing said database search query for database data within said

programmed (see paragraph 0051, Weitzman); and

displaying the results of said database search query to the database user (see

paragraph 0038, Weitzman).

Weitzman does not explicitly indicate the claimed "range of deviation".

Fox discloses the claimed range of deviation (standar deviation are calculated

without the largest n-gram frequency value. If the largest value fits within three standar

deviation of the mean, then the number is used as the scaling factor, see col. 13, lines

32-35 et seq).

It would have been obvious to one ordinary skill in the data processing art, at the

time of the present invention to combine the teachings of the cited references, because

the range of deviation of Fox's teachings would have allowed Weitzman's system to

retrieve a documents from a document database by providing users with multiple input

interaction mode, in the search engine to limit the information, as suggested by Fox, at

col. 3, lines 36-42 et seq.

As to claim 7,

Weitzman teaches database data within said programmed according to how

closely said data matches the user's query for specific data (see paragraph 0051,

Weitzman).

Weitzman does not explicitly indicate the claimed "ranking".

Fox discloses the ranking (a neural network training portion to query a document

corpus to retrieve relevant documents. Results of the retrieval engines are fused

together and ranked, see col. 6, lines 5-7 et seq).

It would have been obvious to one ordinary skill in the data processing art, at the

time of the present invention to combine the teachings of the cited references, because

the ranking of Fox's teachings would have allowed Weitzman's system to selectively

retrieve a documents from a document database to define a dictionary, as suggested by

Fox, at col. 4, lines 1-0 et seq.

As to claim 8,

Weitzman teaches comprising the step of sorting said database data into

descending order based on the assigned to each data item within said programmed

(see paragraph 0078 and 0083 et seq, Weitzman).

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (703) 605-4356. The examiner can normally be reached on Monday to Thursday from 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790 or Customer Service (703) 306-5631. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for any communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Mohammad Ali

Patent Examiner

AU 2177

MA

February 03, 2004